

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,

Plaintiff,

v.

CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III

J.F. ALLEN COMPANY; AMEC
FOSTER WHEELER ENVIRONMENT
& INFRASTRUCTURE, INC.;
REDSTONE INTERNATIONAL, INC.;
CIVIL & ENVIRONMENTAL
CONSULTANTS, INC.; and
COASTAL DRILLING EAST, LLC,

Defendants,

v.

THE LANE CONSTRUCTION
CORPORATION,

Additional Defendant.

ORDER VACATING BRIEFING ORDERS

This matter came before the Court this 17th day of October 2019. Whereas, on a prior day, the Court entered the following briefing orders regarding recently-filed motions in this civil action: (1) Briefing Order regarding Defendant Amec Foster Wheeler Environment & Infrastructure, Inc.'s Motion for Partial Dismissal; (2) Briefing Order regarding Defendant Amec Foster Wheeler Environment & Infrastructure, Inc.'s Motion for Summary Judgment regarding Plaintiff's Claims for Alleged Lost Profits and Third Party Inspection Costs; (3) Briefing Order regarding Defendant Coastal Drilling East, L.L.C.'s Motion for Summary Judgment; (4) Briefing

Order regarding Third-Party Defendant The Lane Construction Corporation's Motion for Summary Judgment; (5) Briefing Order regarding Plaintiff, MarkWest Liberty Midstream & Resources, L.L.C.'s Motion for Partial Summary Judgment as to Liability Against Defendant J.F. Allen Company; and (6) Briefing Order regarding Defendant Redstone International, Inc.'s Motion for Summary Judgment as to Count III of Plaintiff's Complaint.

The Court, after considering the Agreed Order Setting/Extending Certain Deadlines in the Current Scheduling Order entered by the undersigned on June 11, 2019, including the agreed extension of the deadline for responding to dispositive motions until October 30, 2019 and the extension of the deadline for replying to responses to dispositive motions until November 15, 2019, finds that the aforementioned briefing orders are in conflict with the previously entered Agreed Order Setting/Extending Certain Deadlines in the Current Scheduling Order entered by the undersigned on June 11, 2019, and therefore, the briefing orders shall be vacated.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED** that the following briefing orders shall be vacated: (1) Briefing Order regarding Defendant Amec Foster Wheeler Environment & Infrastructure, Inc.'s Motion for Partial Dismissal; (2) Briefing Order regarding Defendant Amec Foster Wheeler Environment & Infrastructure, Inc.'s Motion for Summary Judgment regarding Plaintiff's Claims for Alleged Lost Profits and Third Party Inspection Costs; (3) Briefing Order regarding Defendant Coastal Drilling East, L.L.C.'s Motion for Summary Judgment; (4) Briefing Order regarding Third-Party Defendant The Lane Construction Corporation's Motion for Summary Judgment; (5) Briefing Order regarding Plaintiff, MarkWest Liberty Midstream & Resources, L.L.C.'s Motion for Partial Summary Judgment as to Liability Against Defendant J.F. Allen Company; and (6) Briefing Order regarding Defendant Redstone International, Inc.'s Motion for Summary Judgment as to Count III of Plaintiff's Complaint.

It is further hereby **ORDERED** and **ADJUDGED** that the deadlines for responding to the dispositive motions shall remain October 30, 2019 for responses, and November 15, 2019 for replies, and the Agreed Order Setting/Extending Certain Deadlines in the Current Scheduling Order remains in full force and effect.

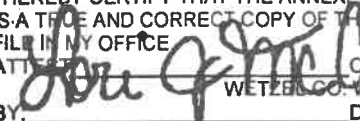
The Court notes the objections of the parties to any adverse ruling herein.

The Clerk is directed to enter this Order as of the date first hereinabove appearing, and send attested copies to all counsel of record, as well as to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 17 day of October 2019.



JUDGE H. CHARLES CARL, III
West Virginia Business Court Division

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT
IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON
FILE IN MY OFFICE
BY:  CIRCUIT CLERK
WETZEL CO. WEST VIRGINIA
DEPUTY CLERK